

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES – GENERAL

Case No. **2:23-cv-05551-MCS-JPR**

Date November 8, 2023

Title ***Perry v. Shein Distrib. Corp.***

Present: The Honorable Mark C. Scarsi, United States District Judge

Stephen Montes Kerr
Deputy Clerk

Not Reported
Court Reporter

Attorney(s) Present for Plaintiff(s):
None Present

Attorney(s) Present for Defendant(s):
None Present

Proceedings: (IN CHAMBERS) ORDER RE: MOTION TO DISMISS (ECF No. 21)

Defendants Shein Distribution Corporation, Roadget Business Pte. Ltd., and Zoetop Business Company, Limited move to dismiss the Complaint of Plaintiffs Krista Perry, Larissa Martinez, and Jay Baron. (Mot., ECF No. 21.) The Court deems the motion appropriate for decision without oral argument and vacates the hearing set for November 20, 2023. Fed. R. Civ. P. 78(b); C.D. Cal. R. 7-15.

After Defendants filed the motion, Plaintiffs signaled their intent to file a First Amended Complaint, (Notice of Non-Opp’n, ECF No. 22), which they ultimately filed as a matter of course, (FAC, ECF No. 23); *see* Fed. R. Civ. P. 15(a)(1). The motion is denied as moot. *See, e.g., Ferdik v. Bonzelet*, 963 F.2d 1258, 1262 (9th Cir. 1992) (“[A]fter amendment the original pleading no longer performs any function and is treated thereafter as non-existent” (internal quotation marks omitted)); *Andreatta v. Eldorado Resorts Corp.*, 214 F. Supp. 3d 943, 949 n.1 (D. Nev. 2016) (denying as moot motion to dismiss complaint subsequently amended as a matter of course).

The Court orders Plaintiffs to file a “redline” version of their amended pleading forthwith. (Initial Standing Order § 13, ECF No. 11.)

IT IS SO ORDERED.